

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION**

MARK A. BARRY, M.D.,

Plaintiff,

v.

MEDTRONIC, INC.,

Defendant.

Civil Action No. 1:14-cv-104

**CHIEF JUDGE RON CLARK**

**OBJECTIONS TO DEPOSITION TESTIMONY**  
**TO BE PLAYED ON NOVEMBER 7, 2016 (Part 3 Davidson)**

The court enters these in limine rulings regarding objections to designations of witness Davidson on the attached chart.

So **ORDERED** and **SIGNED** this **5** day of **November, 2016**.



Ron Clark, United States District Judge

Pursuant to the Pretrial Order (ECF No. 386) and agreement of the parties, Plaintiff Mark A. Barry, M.D. ("Dr. Barry") hereby submits the parties' unresolved objections to the deposition testimony of Stephanie Davidson (and associated exhibits), which Dr. Barry intends to be played at trial on November 7, 2016. The parties respectfully request the Court's ruling on these issues so that the final deposition videos can be prepared.

**In Limine Rulings - Stephanie Davidson***Medtronic's Objections to Dr. Barry's Designations*

<b>Testimony</b>	<b>Medtronic's Objection</b>	<b>Dr. Barry's Response</b>	<b>Court's Ruling</b>
75:02-75:03 75:05-75:08	Rule 402	Testimony is relevant to witness's background and impartiality.	Overruled

*Dr. Barry's Objections to Medtronic's Counter-Designations*

<b>Testimony</b>	<b>Dr. Barry's Objection</b>	<b>Medtronic's Response</b>	<b>Court's Ruling</b>
99:8-10 99:12-13 99:15-25	FRE 602, FRE401/402, FRE 403, FRE104(b), FRE 701. Lack of foundation, calls for speculation, lack of personal knowledge. Witness expressly states that she doesn't know what Dr. Barry discussed with nurses or surgical technicians.	Does not call for speculation. Rather, the witness was asked for her personal knowledge as to whether Dr. Barry had discussed confidentiality with the other members of the surgical team.	Overruled